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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,499	10/30/2003	Neil Tilbor	204-3 (CIP-CON)	7699
24336	7590	06/02/2006	EXAMINER	
KEUSEY, TUTUNJIAN & BITETTO, P.C. 20 CROSSWAYS PARK NORTH SUITE 210 WOODBURY, NY 11797			CEGIELNIK, URSZULA M	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,499

Applicant(s)

TILBOR ET AL.

Examiner

Urszula M. Cegielnik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 recites the limitation "the rotation" in the last line. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over British Patent Publication No. 2130495 (hereinafter UK '495) in view of Abbat (US Patent No. 5,257,873)

UK '495 discloses a toy action figure comprising shoulders, arms, legs, hands, feet, a body, a plurality of joints in the shoulders, arms, legs, hands, feet and body and connection means disposed in the hands and the feet for enabling releasable connection of the action figure to the toy vehicle; the connection means in the feet comprises a retractable clip (1B) being selectively retractable from the feet (the clip 1B

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is selectively retractable when the motorcycle front wheel unit is pivoted to another configuration) when need for securing one or more of the feet to the toy vehicle.

UK '495 does not disclose shoulder and hip joint detent systems.

Abbat teaches joints for a doll which include detent mechanisms (col. 2, lines 51-54 and col. 3, lines 66-68 through col. 4, lines 1-6).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a detent system for shoulders and hips as taught by Abbat, since Abbat states at col. 1, lines 9-10, such a modification would permit a wider and more natural appearing selection of poses.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of England et al. (US Patent No. 4,006,555).

England et al. disclose a central keyed hole disposed in the detent case, and a shoulder shaft (222) having an axis of rotation, a keyed end (230) for insertion into the spur gear (214), and an arm engaging end (220) for connection to the arm of the action figure; the shoulder shaft further comprising a collar (224) from preventing the shoulder shaft (222) from being pulled from the body of the action figure; the arm engaging end (220) further comprising a rounded end for enabling movement of the arm in three dimensions when combined with the rotation about the shoulder shaft axis.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the abovementioned features as taught by England et

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al., since England et al, states in the Abstract that such a modification would permit incremental movement to the arm.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 3 above, and further in view of Genin (US Patent No. 3,888,023).

Genin discloses a hip shaft (21) having one end and an opposing end and a spur gear (23,23a) mounted between the ends, the one end being inserted into the central hole of the detent cage (16,25) such that the spur gear (23,23a) engages the at least one protrusion (the portion encompassing reference part 25); the opposing end of the hip shaft (21) comprises a keyed portion (the shaft is keyed to mate with the trunion) for connecting to a leg of the action figure.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the abovementioned claimed features as taught by Genin, since such a modification would provide enhanced articulation of the hip portion.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 10 above, and further in view of England et al. (US Patent No. 4,006,555).

UK '495, as modified by Abbat, lacks a spur gear having a central keyed hole disposed in the detent case, and a shoulder shaft having an axis of rotation, a keyed end for insertion into the spur key, and an arm engaging end for connection to the arm of the action figure; the shoulder shaft further comprising a collar from preventing the shoulder shaft from being pulled from the body of the action figure; the arm engaging

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end further comprising a rounded end for enabling movement of the arm in three dimensions when combined with the rotation about the shoulder shaft axis.

England et al. disclose a central keyed hole disposed in the detent case, and a shoulder shaft (222) having an axis of rotation, a keyed end (230) for insertion into the spur gear (214), and an arm engaging end (220) for connection to the arm of the action figure; the shoulder shaft further comprising a collar (224) from preventing the shoulder shaft (222) from being pulled from the body of the action figure; the arm engaging end (220) further comprising a rounded end for enabling movement of the arm in three dimensions when combined with the rotation about the shoulder shaft axis.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the abovementioned features as taught by England et al., since England et al, states in the Abstract that such a modification would permit incremental movement to the arm.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 10 above, and further in view of Genin (US Patent No. 3,888,023).

UK '495, as modified by Abbat, lacks a hip shaft having one end and an opposing end and a spur gear mounted between the ends, the one end being inserted into the central hole of the detent cage such that the spur gear engages the at least one protrusion; the opposing end of the hip shaft comprises a keyed portion for connecting to a leg of the action figure.

Genin discloses a hip shaft (21) having one end and an opposing end and a spur gear (23,23a) mounted between the ends, the one end being inserted into the central hole of the detent cage (16,25) such that the spur gear (23,23a) engages the at least one protrusion (the portion encompassing reference part 25); the opposing end of the hip shaft (21) comprises a keyed portion (the shaft is keyed to mate with the trunion) for connecting to a leg of the action figure.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the abovementioned claimed features as taught by Genin, since such a modification would provide enhanced articulation of the hip portion.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Urszula M. Cegielnik whose telephone number is 571-272-4420. The examiner can normally be reached on Monday through Friday, from 5:45AM-2:15PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene L. Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Urszula M. Cegielnik
Assistant Examiner
Art Unit 3711



EUGENE KIM
SUPERVISORY PATENT EXAMINER